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DOCKET NO.: PHOE-0060

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mike A. Clark, Charles Mark Ensor,

Confirmation No.: 9010

Frederick Wayne Holtsberg

Application No.: 09/775,693

Group Art Unit: 1642

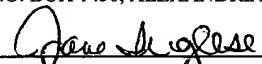
Filing Date: February 2, 2001

Examiner: Minh Tam B. Davis

For: Methods For Predicting Sensitivity Of Tumors To Arginine Deprivation

DATE OF DEPOSIT: December 13, 2005

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.


TYPED NAME: Jane E. Inglese, Ph.D.
REGISTRATION NO.: 48,444

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **June 15, 2005** finally rejecting claims **1, 2, 6, 7, 27 and 31-36** of the above-identified patent application.

The item(s) checked below are appropriate:

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as :

12/16/2005 DEMMANU1 00000009 09775693

01 FC:2253 510.00 OP
02 FC:2401 50.00 DA 200.00 OP

DOCKET NO.: PHOE-0060

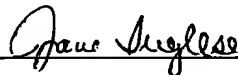
PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of June 15, 2005 to and through December 15, 2005 comprising an extension of the shortened statutory period of three (3) months.

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$200	\$200.00	\$500	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$60	\$000.00	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$225	\$000.00	\$450	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$510	\$510.00	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$795	\$000.00	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1080	\$000.00	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$000.00)	minus	(\$)
TOTAL FEE DUE		\$710.00		\$0

- ☒ A check in the amount of **\$710.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: December 13, 2005


Jane E. Inglese, Ph.D.
Registration No. 48,444

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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